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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
September 2, 2008**

Present: : Commissioners Lythgoe, Notbohm and Weber; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Tara Mastel and Tom Harrington, JLDC; Dave Kirsch

CALENDAR REVIEW

9/04 Meeting with Charlene Hall re: animal shelter financing
9/09 Meeting with Mike Waite – 11:00

COMMISSION REPORTS

SOLID WASTE BOARD

Commissioner Weber reported he attended a Solid Waste meeting on the 26th. He stated that the budget is getting harder to balance. The board is looking at possibly charging a fee for taking tires. Individuals that have tire businesses in Whitehall came to the meeting with their concerns. They are also discussing raising the solid waste fee. No decisions have been made at this. They are also going to be looking at assessments for businesses, which haven't been addressed since 1996. They will be looking into the fairness of the assessments.

Commissioner Notbohm asked if anything has been projected regarding new starts on solid waste fees. He heard from the Department of Revenue that there were 80-plus this past year. Commissioner Weber stated that it was more like several hundred. Commissioner Notbohm stated that this should help, even though they won't be assessed until next year. Commissioner Weber stated that it helps a lot, but they are also researching several options – tires are costing a lot. As to if a fee increase is needed, they are going to be looking into business assessments. Some of the things that come in off of the interstate are things that they are getting. For example, Town Pump in Whitehall was assessed only 4 or 5 units, but they have 9 commercial size dumpsters that they fill up three times a week, so they know that to be accurate they should be in the 27 to 28 unit assessment range. They will need to do some research before any decision is made.

POSSIBLE RSID

Commissioner Lythgoe reported that he met with Vonnie Benson from Whitehall regarding a
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RID/RMD at the Sky Park in Whitehall. She will be getting back to him after she gauges the support of the landowners in the area.

Commissioner Lythgoe reported that he sent out a letter to a resident of Forest Park regarding the steps for the formation of a RID. He spoke to Rick Rogne today, and he is trying to gather support to do a RID/RMD in the Montana City area.

ROCKY MOUNTAIN DEVELOPMENT COUNCIL

Commissioner Notbohm reported that he attended the RMDC meeting Thursday night. They are really being aggressive with low-cost housing. This year the high school students will be working on a multi-family unit, rather than a single dwelling as they have in the past.

CORRESPONDENCE

COUNTY ATTORNEY OPINION

Commissioner Weber stated that the Commission received that morning an opinion from the County Attorney regarding a question from Commissioner Notbohm about the legality of the process used this year to reach the preliminary budget. It was the opinion of the County Attorney that the process taken meets all of the requirements outlined in the law.

Commissioner Notbohm stated that the reason he went to the County Attorney is that at the meeting with Bonnie, Commissioner Lythgoe presented recommendations as to what the budget would be. The fact of the matter is that it has always been the practice in the past that the Commissioners would meet with those departments that might be impacted. This didn't happen; in fact, he didn't talk to any of the departments. Commissioner Lythgoe took care of it, and there was no meeting to discuss or go over the details of those meetings with the department heads. As the Commissioner for District 2, he feels that the Commissioner in District 2 should have the right to at least listen in or input into the process. He represents quite a few people in this district, and District 2 is not being represented in this budget. Commissioner Weber stated that number one, they all represent all of their districts, the entire county. Matt's take on this was MCA 7-3-503, provides duties of the presiding officer Chairman of the Commission, including section 16 to prepare the budget and present it to the Commission for adoption. Commissioner Weber stated that Commissioner Lythgoe sat in with those Department Heads and Elected Officials as the acting chair in his absence, as he is vice-chair, which he reminded Commissioner Notbohm was offered to him and he refused at the last election. This is a role that Commissioner Notbohm would have taken if he had accepted the vice-chair. Commissioner Notbohm stated that the reason that he didn't accept vice-chair is because when Commissioner Weber was elected four years ago, Commissioner Lythgoe set it up so that he, Commissioner Notbohm, would never be chair. Commissioner Notbohm stated that he never saw the budget or had a chance to say "yea" or "nay" or have any input into it. Commissioner Weber stated that he could have come to the meeting that he skipped. Commissioner Notbohm asked which one that was. Commissioner Weber stated that it was one with Bonnie. Commissioner Notbohm stated that he was there. Commissioner Weber noted that he was there for one of them; there were two. Commissioner Lythgoe stated that Commissioner Notbohm was there for the second meeting, the one where

everything was discussed.

BIG DIPPER RSID/RMD

Commissioner Weber read a letter from Allen Cormany regarding the assessment of the Big Dipper Drive RSID/RMD (on file in the Clerk and Recorder's office). He feels that he should be excluded from the RID, as his lot is not adjacent to Big Dipper Drive. Commissioner Weber stated that this has been passed on to Great West, the engineering firm that is working on the RSID.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

JLDC UPDATE – POSSIBLE PORK PROCESSING PLANT OPPORTUNITY IN WHITEHALL AREA

Tom Harrington stated that the JLDC has been approached with the opportunity for a pork processing plant in the Whitehall area. They were interested in locating in Southwest Montana, and later came back and indicated an interest in locating in the Whitehall area. They are interested in taking all of Phase I of the Golden Sunlight Business Park. He and Tara have been busy with due diligence in the past couple weeks, and they feel that there is a real opportunity for this to happen somewhere in Southwest Montana, and they feel that the Whitehall area would be ideal. They have met with the surrounding landowners to gauge support and got pretty good support for going ahead with this. This will potentially require some revision of the subdivision plan, specifically with water and waste-water. They are estimating 95 employees with a little over \$2 million payroll.

Last week, they went out for RFQ from engineering firms and selected a firm to start looking at some of the issues, and see if they have any "show stoppers" out there, before they spend a lot of time and money. They do have a meeting set up later this week with the Department of Commerce. They are still in very preliminary stages, just wanted to bring the Commission up-to-date. Commissioner Weber asked if there is a feel for the progression and time line. Tom Harrington answered that they are hoping to open next September-October, so there is a tight time-line. Commissioner Lythgoe asked if there are any other communities that are in competition with us, or have they narrowed it down to us. Tom stated that there are several others that would love to have it, Whitehall makes the most sense for the developer. Commissioner Notbohm asked about the company name, and asked if they were ever affiliated with the plant in Choteau. Tom Harrington stated that he isn't sure. Jan asked if there will be a point where general public comment will be sought. Tom stated that he is sure that there will be.

PUBLIC HEARING – FINAL LEVY OF SPECIAL ASSESSMENT – BIG DIPPER RSID/RMD

Commissioner Weber called the public hearing to order and called for comments.

Peter Biskis stated that his major concern with the road being paved is speed. They had problem when the road wasn't paved; now there will be no way to slow them down. He also doesn't feel that there was enough time for them to protest and try to stop the process. Commissioner Weber asked if he got the opt-out letter in the mail that was sent out to everyone. Peter asked when it was sent out. He said that at first they were going to be made to pay for the maintenance, then it wasn't very clear if they were going to pay for the maintenance after the road was done or not, or

if they would have to supply their own snow removal equipment. Commissioner Weber stated that the Resolution of Intent was adopted July 3, 2007 and notices were sent out at that time. Peter stated that he signed a petition, but he doesn't know if the Commission got it. Commissioner Weber stated that the Resolution of Intention starts the process and then they send it to each of the landowners, who then have the option to say that they don't want it. If a high enough percentage opts out, they don't go forward. Peter asked who picks the percentage, noting that the Commission just arbitrarily picked fifty percent. Commissioner Weber stated that it is set forth in state statute; there is nothing arbitrary about it.

Commissioner Lythgoe stated that just within the last month, he met with a group of people from Big Dipper that were confused about the maintenance piece, specifically. He and the engineer met with the group, and at the end of the meeting, he committed to do everything within his power to stop the RID from happening, as was the wish of those in attendance. The County had already gone out to bid and awarded the contract at that point, so he asked the contractor if he would sue the County if we stopped the project at that point. The contractor stated that he would not. They had to check to see if it was bonded yet, which it wasn't; the amount needed is small so the county will be taking out a loan. He called Mr. McClusky told him that we wouldn't be doing the RSID. Mr. McClusky asked why the County wasn't going to do it. Commissioner Lythgoe stated that he told him that apparently the people up there don't want it to happen. Mr. McClusky stated that after talking to people about maintenance after the meeting, people were in favor of it going forward. Also, he didn't feel that he had the authority to make the decision not to go forward.

Peter stated that he was taking the word of one person, rather than going back to the residents and letting them decide. Commissioner Lythgoe stated that it had already gone through the process and the county was legally obligated to go forward with the project. Peter argued that it should have come back for further review. Commissioner Lythgoe stated that the county doesn't have to; there were quite a few people at that meeting, and once the maintenance issue was resolved, they were all pretty well convinced. Peter stated that he doesn't have any facts and figures; he has no idea what it will cost him each year. Commissioner Weber stated that all of that was sent out last summer. The project didn't happen until this summer, but the figures are the same. Commissioner Weber stated that there was adequate time for people to respond to the opt out and although the process had already been done and they were required to follow through, they were willing to step back and take another look at the project. This wasn't just someone going door to door and coming to the Commission saying everyone wants this. Certified letters were sent to everyone explaining the process and what it would cost. Not enough people said no, so that is why they went forward. Peter said that he would be interested to see how many people said no. Commissioner Lythgoe stated that if he remembers correctly, it was in the 30% range. Commissioner Lythgoe said that he sent a letter to Mr. McClusky and he was supposed to share it with the residents. The letter outlined how the maintenance district will work. Commissioner Notbohm recommended that he call the Sheriff's Office and request that an officer be in the area periodically and express concerns with the increased speed.

Commissioner Weber said that as earlier noted, the Commission has also received a letter from Allen Cormany, stating that he should not be in the district, as he does not access his home from Big Dipper, but from McClellan Creek Road. Because of this, he is requesting that he be

removed from the assessment.

Hearing no further comment, Commissioner Weber closed the public hearing.

RESOLUTION 35-2008 RESOLUTION RELATING TO RSID #2506 FINAL LEVY

Commissioner Weber asked Commissioner Lythgoe if he has spoken with Bill Lloyd of Great West Engineering about the validity of Mr. Cormany's request for exclusion from the RSID. Commissioner Lythgoe stated that he has contacted Bill, but has not heard back from him.

Commissioner Notbohm asked if under the circumstances, if they would be able to vote on this today. Commissioner Lythgoe stated that Bill Lloyd, according to his secretary, is in Bozeman today.

Commissioner Weber moved to not act on this resolution at this time, but to amend the following week's agenda and act at that time. Commissioner Lythgoe seconded. The motion carried.

Commissioner Lythgoe moved to adjourn. Commissioner Weber seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER